

2002-2003 Budget Hearings

The Research Review is a publication of the Research Division of the Tennessee House of Representatives

Greg E. Adkins

Conservation & Environment
Transportation

Paige Edwards

Judiciary

Lawrence Hall, Jr.

State & Local Government

Cathy Higgins

Finance, Ways & Means

Chris McGraw

Commerce

Judy Narramore

Health & Human Resources

Jessica Pocollo

Education

Shannon Romain

Children & Family Affairs
Consumer & Employee Affairs

Ryan Swindell

Agriculture
Government Operations

Meagan Frazier

Staff Assistant

Denise Sims, Director

741-3025

The House Finance Ways & Means Committee began its 2002-2003 Budget Hearings this week. During this and the next six weeks, the committee will hear from commissioners and departmental heads on plans for the next fiscal year. (A summary of Tuesday's Budget Overview by Finance and Administration Commissioner Warren Neel begins on page 5.)

The remainder of the schedule is as follows:

Feb. 20: TennCare; Commission on Aging; MHⅅ TennCare Oversight

Feb. 21: Homeland Defense

Feb. 26: Constitutional Officers

Feb. 27: K-12

Feb. 28: Children's Services; Comm. on Aging; Health; Human Services

March 5: Non-Recurring Grants; Responses from Affected Organizations

March 6: Higher Education (THEC, UT, TBR, TSAC)

March 7: Military; TBI; Safety

March 12: ECD; Labor & Workforce Development; Tourism

March 14: Personnel; Financial Institutions; Revenue; General Services

March 19: Commerce & Insurance; THDA; TRA

March 21: Agriculture; Environment & Conservation; TWRA; Veterans Affairs

March 26: Correction; Probation & Parole

March 28: Atty General & Reporter; Court System; D.A.'s General Conference; District Public Defender's Conference

April 2: Dept. of Transportation

April 4: Finance & Administration; Capital Budget Recommendation

The Research Review will have summaries of all hearings as they are held.

Agriculture

Ryan Swindell

This week the **Agriculture Committee** met with no bills to consider. A presentation was made to the committee by Mr. Steve Hodges, Director of the Clinch-Powell Community Kitchens, which is located in Hancock County. The operation is a food product-processing kitchen that is capable of producing 2000 jars per day of vegetable or fruit products for

commercial sale. The Kitchen is inspected and follows FDA standards.

This project has only been in existence for one year. There are only about fifteen of these kitchens in the U.S. The Kitchen offers an alternative to farmers by allowing them to grow a perishable crop (i.e. strawberries, corn) which results in a final product for commercial sale. Staff is on hand at the Kitchen to help develop a recipe to one's satisfaction and also to help produce, bottle and label the resulting product. The Kitchen is a rented facility and it is available 24 hours a day. One of the goals is that

people can come into the Kitchen with their raw produce and make a finished product on their own.

Marketing and Commodities Subcommittee had no bills on notice and did not meet.

Agriculture Resource and Industry Subcommittee had no bills on notice and did not meet.

Children & Family Affairs

Shannon Romain

The **Children and Family Affairs Committee** was canceled this week, however, the subcommittees met at their regularly scheduled times.

The **Domestic Relations Subcommittee** passed HB 2907 by Rep. Scroggs. An administrative bill, the legislation seeks to simplify the process for sending monthly child support notices to recipients, and it eliminates certain reporting requirements for employers of obligors. Under current federal law, it is mandatory for former and present TANF and Families First recipients to receive a monthly statement from the Department of Human Services central collections agency containing specific information on the status of their child support payments. As of April 1, 2002 a new state law requires that all child support recipients receive the notices. HB 2907 attempts to facilitate the notice process by permitting the department to create a single notice form that meets the federal and state notice requirements, and which contains additional child support information that will give recipients a better overview of the status of their support payments. The legislation is necessary to create an efficient notice process and to prevent confusion caused by recipients possibly receiving up to as many as four notices each month under the current process. There was some discussion about the bill's \$62,700 fiscal note which covers the cost of computer programming and postage. According to a department spokesperson, the funding is already allocated in the Governor's budget.

In the **Family Justice Subcommittee**, HB 2497 by Rep. Hagood and HB 2209 by Rep. Bunch were referred to the full committee. HB 2209 specifies the point at which a juvenile court order is deemed final so that an appeal may be filed, and, it designates the court in which the appeal shall be filed. In most courts, when a final order is entered, there is no further adjudication or review of the case and the appeals process may begin. In the juvenile

courts, however, although a final order is entered, the court may permit later review of the case. Under HB 2209, appeals from juvenile delinquency proceedings must be made to criminal court or court with criminal jurisdiction, and appeals from unruly proceedings or dependent and neglect proceedings must be made to circuit court. HB 2497 was also reviewed and referred to the full committee. The bill permits Knox County to adopt a curfew for minors similar to the one adopted by a local municipal ordinance.

Commerce

Chris McGrew

The **Industrial Impact** and the **Utilities and Banking Subcommittees** sent several bills to the full Commerce Committee this week.

In **Industrial Impact**, HB 2357, HB 2499 and HB 2895 were sent to full committee. HB 2357 (Rep. Maddox) amends current law by prohibiting discrimination against P.A.s (physicians' assistants) by issuers of managed health insurance. HB 2499 (Rep. Hagood) clarifies that the present cap limiting an enrollee's cost share to an amount not exceeding 20 percent for in-network providers include network providers. HB 2357 (Rep. McDaniel) calls for a survey to be carried out, asking those disenrolled by TennCare during the '01-'02 fiscal year if they were able to find private health insurance or if they had access to health care benefits.

In **Utilities and Banking**, four of the five bills on calendar were sent to the full committee. HB 2662 (Rep. Cole, Dyer) repeals the use of an older edition, and adopts an updated edition of the National Standard Electrical Safety Code. HB 2532 (Rep. Walker) authorizes electric cooperatives to make charitable contributions and accept charitable contributions for programs approved by their boards. HB 2890 (Rep. Sargent) deals with establishing regulations for investment advisor representatives under the Tennessee Securities Act. HB 3196 (Rep. Fitzhugh) requires cellular communications companies to provide maps of service areas, including areas where there is no service, and areas where there are inadequate signals.

Conservation & Environment

Greg E. Adkins

The full **Conservation and Environment Committee** met on Wednesday, February 20, 2002, but did not have any bills on the calendar. Mr. Dodd Galbreath, director of Policy Planning for the Tennessee Department of Environment & Conservation made a presentation about adjacent states' water policies as compared to Tennessee's. Currently, Tennessee shares more water with other states than any other southern state. This could lead to serious water shortages in the future. Mr. Galbreath requested that the committee help fund and create a water monitoring program for the state.

The Environment subcommittees did not meet.

Consumer & Employee Affairs

Shannon Romain

The **Consumer and Employee Affairs** full committee and the **Employee Affairs Subcommittee** convened this week.

The full committee met with a total of three bills on the calendar. HB 2822 by Rep. Sands, which prohibits physicians from charging separate fees for providing medical or anatomical impairment ratings, went to Calendar and Rules. There was more discussion on the bill in the full committee. Members expressed a concern that the scope of the language might be too broad permitting the release of all of an employee's medical records instead of those relating only to the impairment rating. At the request of the sponsor, the committee agreed to refer the bill to Calendar and Rules and to give the Senate an opportunity to review the legislation and address any necessary amendments to the language.

HB 2235 by Rep. Odom requiring that all wireless communications providers post a consumer's contract expiration date on each monthly statement was rolled one week. HB 2694 by Rep. Bowers which places a five dollar cap on the amount of fees that companies may charge to make automatic debits from consumers' bank accounts was rolled two weeks.

The Employee Affairs subcommittee referred HB 2247 by Rep. Sharp to the full committee. The bill changes the language regarding maternity leave in the state code from "four months" to "seventeen weeks." The bill will create

consistency between federal and state statutes regarding maternity leave, but it does not significantly change the number of maternity leave days a new mother is permitted to take.

Education

Jessica Peccolo

Two of the three bills on the Education Committee's calendar were rolled in Tuesday's meeting. **HB 2404** (Davis, R) and **HB 2086** (Turner) will be heard in one week and in two weeks respectively. **HB 2897** (Davis, R) makes the high school exit exam optional for graduation. Currently, all TN high school students are required to take the ACT or the SAT in order to graduate. The state pays the fee for all students for their first sitting of either test. While students are required to take one of these exit exams, they are not required to make any certain score in order to graduate. The recent institution of Gateway exams makes it no longer necessary to require students to take these tests. Schools will continue to encourage students to take the ACT or the SAT as students intending to go to college must have taken one or both of these tests. Further, the state will continue to pay for the students to take the ACT or SAT for the first time. This bill simply makes taking that test optional for those students who do not plan on attending college. It passed to Calendar and Rules.

Dr. Claude Presnell, president of the Tennessee

Independent Colleges and Universities Association (TICUA) made the first of two presentations to the committee to update members on the status of private colleges and universities in Tennessee. Tennessee has thirty-five (35) main private campuses across the state, with a current enrollment of 53,871 students (87% of those students are full time). Those 35 campuses service 22% of the students in higher education in Tennessee. The population of the private schools reflects a balance of 50% in-state and 50% out-of-state or foreign students. Over the next 24 months member schools of TICUA have \$500 million in capital outlay projects planned. The average national tuition for a private college or university is \$16,332. Private schools in Tennessee fall well below that figure with school tuition averaging \$11,405. Dr. Presnell concluded his presentation by urging committee members to invest in public

(continued on the next page)

higher education because the reputation of higher education in the state of Tennessee affects both public and private schools.

Tuesday's second presentation was made by Ely Fly, acting president of the University of Tennessee. President Fly began his presentation by highlighting some positive accomplishments UT has made recently. By midsummer, the UT Knoxville campus will be wireless. Student funds have made it possible for students to be able to use their computers anywhere on campus without having to search out a modem. The newly established research centers have already doubled the projections on the money they would bring into the university. Both UTC and UT Memphis have received generously gifts recently. UTC received a \$25 million unrestricted gift that will be donated over the next three years. UT Memphis' donation came in the form of buildings in downtown Memphis that were given to the medical school by Baptist Hospital. President Fly proudly informed members of the committee that these accomplishments show that UT is still providing quality education to its students despite the lack of funding the university has been experiencing for many years.

President Fly went on to share recent data on the status of funding for higher education in Tennessee. From 1995-2000, Tennessee experienced the largest drop in per-student funding of any of the fifteen SREB states. In that same time period, Tennessee was the only SREB state, after accounting for inflation, where faculty salaries dropped (faculty salaries dropped 3.3% from 1995). Because of large student tuition and fee increases over the past several years, UT schools are no longer low fee institutions. In fact, both UT Chattanooga and UT Martin are among the highest when compared to peer institutions. President Fly went on to share with committee members some of the measures that the University of Tennessee has taken to reduce expenditures. Two million dollars of senior level positions have been eliminated in the past year. UT is charging higher fees for services provided such as those provided by the veterinary college or the family medicine clinic. UT is also placing a cap on enrollments to help keep expenses down.

As he concluded his presentation, President Fly once again called members' attention to the vastly under-educated population of this state. With only 17% of our population having college degrees

(compared to a national average of 25%) and some Tennessee counties where less than half of the population has graduated from high school, Fly said it is time to take action. He urged members to provide initiatives to high school students to attend college and to provide more funding for higher education. President Fly's closing words were a reminder to legislators that the time to act is now.

K-12 Subcommittee

Six pieces of legislation passed from K-12 Subcommittee this week. **HB 2382** (Winningham) increases the state paid portion of insurance premiums for active and retired teachers based on their total number years of service. The maximum share paid by the state under this legislation would be 80% for those teachers with 33 or more years of service. For those teachers with 0-5 years of service, the state pays 45% of insurance premiums. The fiscal note is not yet ready on this bill. It was passed to full committee. **HB 2708**, also sponsored by Chairman Winningham, directs the state board of education to develop and maintain a program for teacher recruitment and retention. This bill also moved to full committee. **HB 2899** (Montgomery) extends the allowable contract period between the Textbook Commission and a textbook publishing company for one month. The current contract period is three (3) to six (6) years. This bill would make that period 36 months to 73 months. It was passed to full committee.

Chairman Winningham brought two resolutions to the K-12 subcommittee this week. **HJR 0647** names May 7th as National Teachers' Day in Tennessee. The second resolution, **HJR 0648** names March 1 Read Across America Day in honor of Dr. Seuss's birthday. Both resolutions passed to full committee.

HB 2779 (Maddox) clarifies that a director of schools does have the authority to transfer teachers within the school system. Representative Maddox is also carrying a bill on education of gifted children that has brought forth much discussion. The bill would remove gifted children from their special education classification. The funds for gifted education would be transferred to a special account in the department of education's budget. Beginning in the 2003-2004 school year, the Commissioner of Education is charged with developing a program to provide services to these students. This bill, **HB 2934**, was rolled for one

week in K-12 Subcommittee, but there will be a hearing on it in full committee next Tuesday.

Other bills rolled in K-12 this week are: **HB 2406, HB 3083, HB 2514, HB 2650, HB 2780, and HB 2670.** Chairman Winningham announced that he will appoint a General Subcommittee of the House Education Committee. He assigned **HB 2378, HB 2379, HB 2380, and HB 2381** to the new General Sub. The chair and other members will be announced at a later date. **HB 1012** (Deberry, J) was taken off notice.

Higher Education Subcommittee

Representative Brenda Turner brought **HB 2654** to the Higher Education Subcommittee in Wednesday afternoon's meeting. The bill changes the date on which the TBI must report the statistics for campus crimes to the Governor and the General Assembly. Currently the reporting date is January 1 of each year. This legislation will change that date to April 30 in order to give the TBI more time to compile its data and put together its report. It was passed out of Higher Ed to full committee.

The only other bill on calendar this week was **HB 2881** (Fraleigh). It extends the 25% tuition discount currently given to the children (under 24 years of age) of public school teachers to those children of retired teachers. The retired parent must have served at least 25 years as a full-time teacher in a Tennessee public school to be eligible for the discount. The committee members voiced their opinions that this was a deserving bill, but were concerned with the fiscal note in excess of \$200,000. Will Burns of THEC said that while this was a good program, it would place further stress on the already under-funded budgets of public universities across the state. Representative Fraleigh decided to take the bill off notice.

Finance, Ways & Means

Cathy Higgins

**Tuesday, February 19, 2002 -
Commissioner Neel: Budget Overview**

There were not any bills on calendar this week in the Full Committee. Finance and Administration Commissioner

Warren Neel presented the **Budget Overview for Fiscal Year 2002-03** to the Full Committee.

	Recommended 2002-03
State Appropriations	\$9,654,632,900
Dedicated State Revenue	207,133,000
Subtotal State Appropriation	\$9,861,765,900
Federal Revenues	7,470,160,800
Other Departmental Revenues	2,344,472,500
Tuition and Student Fees	609,289,200
Bonds	256,400,000
Total State Budget	\$20,542,088,400

Commissioner Neel noted that \$1.4 billion within Departmental Revenues are interdepartmental transfers; these are dollars that are counted twice for accounting purposes. For example, dollars are counted in the original department, and counted again when the dollars are transferred to another department (TennCare dollars received by TennCare and transferred to Children Services).

Grants, totaling approximately \$41 million, that were moved to nonrecurring during last year's budget process were added back as recurring and are include as "improvements" to the Budget because the dollars were removed from the base. These include grants for public libraries, state board of equalization reappraisal grants, Joe L. Evins Appalachian Center for Crafts, St. Jude Children's Research Hospital grant, regional tourism grants, arts commission grants, fire fighter pay supplement, and soil conservation district grants, among others.

The **salary policy** for state employees, K-12 teachers, and higher education were also discussed. The idea behind the differing salary policy (state employees 5%; K-12 education 2.5%; higher education 3.5%) for the three is that K-12 and Higher Education employees have alternative sources to address salary issues. Local governments provide an alternative source for K-12 employees. Tuition and fees along with own-source revenue provide Higher Education with alternative sources. State employees are at 82% of their peer salary, whereas Higher Education is at 92% and K-12 is at 97%.

Recommended improvements for FY 02-03 total \$691,926,500. The improvement request includes the employee salary policy, homeland security initiative, K-12 reading initiative, full-funding of the BEP, second year funding of the Higher Education Geier settlement,
(continued on the next page...)

TennCare, opening of state parks and maintenance costs, fire and codes enforcement academy and TIIP funding, among others.

Proposed **capital outlay projects** for FY 02-03 are basically the same as proposed last year. Last year's funding for capita outlay projects was limited to maintenance projects and projects funded with federal dollars. There are some additions that address homeland security, as well as the Geier settlement and K-12 education.

Budget hearings will continue this week with TennCare and Homeland Security.

Next week's schedule:

Tuesday (2/26) Constitutional Officers

Wednesday (2/27) K-12 Education

Thursday (2/28) Children Services, Commission on Aging, Health, and Human Services

Budget Subcommittee

Wednesday, February 20, 2002

Budget Sub had five bills on calendar this week.

HB 2044 (Ridgeway) and **HB 2048 (Beavers)** proposed new license plates. HB 2044 authorizes a "United for America" and HB 2048 "United We Stand." These bills were moved to the Special License Plate calendar, which will be heard at a later date.

Moved to Full Committee:

- **HB 2191 (Cole, Ralph)** names a bridge in Carter County to honor Blanche Ward Berry and is funded with local dollars.
- **HB 1108 (West)** from Judiciary, addresses training for bounty hunters.

HB 2500 (Rhinehart) from the Council on Pensions and Insurance, addresses housekeeping issues for the retirement division and was rolled one week at the sponsor's request.

Government Operations

Ryan Swindell

The **Government Operations Committee** met this week with sixteen bills on the calendar. Ten bills were reported

out of the committee either to Calendar & Rules or other standing committees. The remaining six bills were rolled to a later date. **HB's 2066 and 2068** by Rep. Odom and both dealing with TennCare were rolled one week.

HB2502 by Chairman Kernell, which would require the Commissioner of Agriculture to assess a fee on private forest land to fund state forests firefighting, was also rolled one week. After an extensive discussion of **HB2273** by Rep. Cooper, the committee decided to roll the bill for one week. This bill would enact the "Surgical Technologist Licensure Act." **HB2741** by Chairman Kernell, which would extend the Tennessee Film, Entertainment and Music Commission for six years was rolled two weeks. The last bill on the calendar, **HB3026** by Rep. Miller, was rolled for one week. This bill enacts the "Tennessee Lottery For Support of Education Act of 2002."

Listed below are the bills that were reported out of committee:

HB 2099 by Turner (Dav) – Requires the owner or operator of a landfill to use native grasses to cover the landfill when it has ceased operation – **Reviewed and Referred to State and Local.**

HB 2902 by McCord – Authorizes the technical secretary of the Air Pollution Control Board to issue permits consistent with the board's rules and all federal requirements of the Clean Air Act – **Reviewed and Referred to Conservation.**

HB 2904 by McCord – Sets annual registration and surcharge fees for dry cleaning facilities based on the amount of solvent purchased. Also establishes deductible amounts under the dry cleaner environmental response program and specifies that a permit is not required under certain circumstances – **Reviewed and Referred to Conservation.**

HB 2219 by Dunn – Permits petition for judicial review of final decision of the Department of Children's Services in a contested case to be filed in the county in which one or more petitioners reside as well as in the county of residence of the Commissioner – **Reviewed and Referred to Judiciary.**

HB 2712 by Kernell – Extends Sports Festival, Inc. for four years – **Calendar & Rules.**

HB 2713 by Kernell – Extends Sports Festival, Inc., Board of Directors for four years – **Calendar & Rules.**

HB 2716 by Kernell – Terminates the Recycling Market Advisory Council – **Calendar & Rules.**

HB 2742 by Kernell – Extends the Tennessee Duck River Development Agency for six years – **Calendar & Rules.**

HB 2754 by Kernell – Extends the Committee for Clinical Perfusionists for one year – **Calendar & Rules.**

HB 2736 by Kernell – Extends the Council of Certified Professional Midwifery for three years – **Calendar & Rules.**

Health & Human Resources

Judy Narramore

The **Health & Human Resources Committee** met at noon on Tuesday with four bills on the calendar and a scheduled presentation by DHS Commissioner Metcalf.

HB 2906 by Rep. McDaniel, which would reinstate in statute the school food services annual permit fee of \$80, was referred to FW&M. Two bills were referred to C&R: **HB 2101** and **HB 2239**. **HB 2101** by Rep. Shepard as amended would delete the existing requirement that physician assistants write the name of their supervising physician on a prescription. **HB 2239** by Rep. Godsey as amended would permit out-of-state licensed EMS personnel and vehicles to respond up to four times a year at certain scheduled public events in Tennessee. The remaining bill on calendar, **HB 1736** by Rep. West, was rolled one week at the sponsor's request.

Commissioner Metcalf updated the committee on two DHS programs: (1) TennCare eligibility and relevant changes in the TennCare application process that will become effective July 1, 2002 and (2) child care, including the report card and star-quality programs, and criminal background checks. Commissioner Metcalf will continue her child care presentation and complete the departmental update (the First Wheels program) at a future committee meeting.

The **Human Services & Mental Health Subcommittee** met Tuesday afternoon with two bills on notice. **HB 2668** by Rep. U. Jones, which would add additional fines and increase existing fines earmarked for the Traumatic Brain Injury Fund for certain driving violations, was referred to full committee. Rep. Overby rolled **HB 2911** to consider a possible amendment.

The **Health Access Subcommittee** had two bills on the calendar Wednesday morning. **HB 2365** by Rep. L. DeBerry, which would require ambulatory surgical treatment centers to report claims data on every discharge to the Department of Health, was referred to full committee. **HB 2272** by Rep. Bowers was rolled two weeks at the request of the sponsor.

Wednesday morning the **Health Subcommittee** met with eight bills on notice. With the exception of **HB 2429**, all bills were referred to full committee. **HB 2212** by Rep. D. Davis would revise the licensure and disciplinary provisions for respiratory care practitioners. **HB 2259** by Rep. L. DeBerry as amended would require health care facilities to report to the Department of Health unusual occurrences and specific incidents that cause death or serious injury not related to the patient's illness. Two amendments adopted by the subcommittee emphasize confidentiality of the corrective action reports, make the provisions of the bill applicable to nursing home reports, and clarify that the bill does not alter DHS and DCS reporting. **HB 2429** by Rep. Odom, which would establish a classification of advance practice nurse, was discussed and Rep. Caldwell offered an amendment. No action was taken on the amendment, and the bill was ultimately rolled two weeks by Rep. Odom to allow time for further consideration of the bill. **HB 2903** by Rep. Montgomery would amend the Safe Drinking Water Act to require notification to the Department of Environment & Conservation within 24 hours (instead of 48) that a public water system is not in compliance with drinking water regulations. **HB 3044** by Rep. Odom would correct a technical reference error in the psychological examiners bill (**HB 1331/P.C. 123**) that passed during the 2001 session. **HB 3088** by Rep. Caldwell as amended would delete SIDS investigation training from the continuing education requirements of law enforcement officers. The training would continue to be included as part of the officer's initial training. The subcommittee adopted the Senate amendment that changes the effective date of the bill and requires the Department of Health to notify law enforcement agencies when there are changes in policies or procedures related to SIDS investigations. **HB 3120** by Rep. Armstrong would enact the Interstate Nurse Licensure Compact, which would allow for quicker reciprocity of nurse licensure privileges among states

participating in the compact. **HB 3121** by Rep. Armstrong would expand existing law that regulates tanning facilities by adding regulations regarding posted warning notices, the use of tanning facilities by minors, and record keeping requirements.

Judiciary

Paige Edwards

On Tuesday, the **Civil Procedure & Practice**

Subcommittee met to consider 14 bills. HB 1210 by Representative Clem was rolled for three weeks. HB 1001 by Representative Bowers, HB 388 by Representative White, and HB 2778 by Representative Odom were rolled for two weeks. HB 1895 and HB 1898 by Representative Maddox, HB 2154 and HB 2332 by Representative Buck, and HB 2505 by Representative Turner (Davidson) were rolled for one week.

A **special subcommittee** was created to study HB 1904 by Representative Newton. This bill deletes T.C.A. § 55-9-604 that relates to the admissibility of safety belt usage in a civil action.

The following four bills were sent to the full committee:

- HB 2390 by Representative Bunch, as amended, makes several changes regarding notice for secured transactions under the UCC. Also, this bill clarifies that foreclosure of a security interest after default would not be classified as a debt collection.
- HB 2620 by Representative White, as amended, provides that notice of nonpayment of mechanics' and materialmen's liens may be served by registered or certified mail with return receipt requested, hand delivery with a properly notarized sworn statement, or any other commercial delivery service which can confirm delivery of notice.
- HB 2912 by Representative Kent, as amended, allows tax return information to be disclosed in response to a duly authorized and properly served subpoena that complies with the Federal Rules of Criminal Procedure or the Tennessee Rules of Criminal Procedure.
- HB 3146 by Representative Fowlkes provides a venue for suits involving the wrongful collection of taxes. Under this bill, suits to recover ad valorem taxes that are wrongfully collected by a city or county must be tried in the county where the taxes are collected.

On Wednesday, the **Judicial Administration**

Subcommittee met to consider five bills. HB 2520 by Representative Turner (Davidson), HB 2815 by Representative Casada, and HB 2531 by Representative Walker were rolled for one week. HB 2389 by Representative Bunch was rolled for two weeks.

HB 2392 by Representative Bunch was sent to the full committee. HB 2392 clarifies the legislative intent for instruments that are acknowledged by notaries public. Under this bill, the inclusion or omission of language as to the notary's personal knowledge or proof of the signor's identity would not affect the validity of any certificate if the intent to authenticate, acknowledge or verify a document exists. Also, this bill provides that the form of the certificate would not determine the validity of an acknowledgment, the eligibility of an instrument for recording, the ownership of property, or the determination of any other right or obligation. Under this bill, the burden is placed upon the individual challenging the validity of an authentication, acknowledgment, or verification to prove that a forgery occurred.

Full Committee

On Wednesday, the **Judiciary Committee** met to consider 16 bills. HB 1639 by Representative Sargent, HB 560 by Representative Boyer, HB 1915 by Representative Newton, and HB 1924 by Representative Newton were taken off notice. HB 1884 by Representative Towns was rolled for two weeks. HB 1876 by Representative Towns, HB 2820 by Representative Fitzhugh, HB 2821 by Representative Fitzhugh, HB 2538 by Representative Scroggs, and HB 2128 by Representative McMillan were rolled for one week.

The following four bills were sent to **Calendar & Rules**:

- HB 2483 by Representative Bittle deletes the requirement that a handgun carry permit must contain the permit holder's social security number. Handgun carry permits that contain the holders' social security numbers and are issued prior to July 1, 2002 would remain valid. The intent of this bill is to comply with federal law and an opinion issued by the Tennessee Attorney General, No. 02-003 (January 2, 2002).
- HB 2648 by Representative Godsey, as amended, limits the civil and criminal liability incurred by doctors and nurses who perform body cavity searches pursuant to a search warrant, written waiver, or consent. This bill would not limit the liability incurred by these individuals for acts that constitute

negligence, gross negligence, unlawful misconduct, or willful misconduct.

- HB 2111 by Representative Newton allows the prosecution to use the driver record maintained by the department of safety as prima facie evidence in the prosecution for a subsequent offense of driving on a suspended, revoked, or canceled license. Also, this bill specifies when the prosecution would be required to give the defendant a copy of the driver record.
- HB 2129 by Representative McMillan extends the jurisdiction of the court of the judiciary to include all candidates for judicial office. Also, this bill makes changes in the provisions regarding the disciplinary counsel's role and the sanctions that the court of the judiciary has the power to impose.

The following two bills were sent to **Finance, Ways, & Means**:

- HB 2530 by Representative McMillan, as amended, imposes an additional \$200 fine against individuals who are convicted of an assault relative to domestic violence. The additional fine revenue generated by the additional fine would be credited to the general fund and appropriated by the general assembly for the exclusive purpose of funding family violence shelters and shelter services. If this bill becomes law, the Department of Revenue would incur a one-time cost to make computer system changes that would be deducted from the revenue collected during the first year from the additional fines.
- HB 2159 by Representative Buck, as amended, clarifies that litigation taxes collected by the clerk of the appellate courts would be collected upon the docketing of the appeal in the appellate court. Also, this bill prohibits the imposition of litigation taxes for a civil appeal, writ of error, or writ of certiorari when the appeal is brought pursuant to a pauper's oath. This bill prohibits the clerk of the appellate courts from collecting interest on the deficient or delinquent payments of litigation taxes.

The **Criminal Practice & Procedure Subcommittee** did not meet this week. All of the bills were rolled for one week.

State & Local Government

Lawrence Hall, Jr.

This week in **State and Local Government**, the full committee heard HB 2108 by Rep. Whitson which was passed to Finance, Ways, and Means. This bill names the National Guard Armory in Erwin, Tennessee the "Erwin Nine".

The **Local Government Subcommittee** convened this week and considered HB 2226 and HB 2227, both by Rep. Overby. These bills deal with the definition of disabled veteran and prisoner of war (POW) as it relates to qualifying for property tax relief. Currently the law requires that a veteran's total disability be combat related before property tax relief may be awarded. These bills remove that requirement and allow the disability to be service related. Further, the requirement that a veteran be confined as a prisoner of war for a minimum of five months in order to receive property tax relief, is changed in this bill to a minimum of 30 days.

Elections Subcommittee passed two bills to full committee this week. HB 3193, by Rep. Hargrove, makes certain changes to the state's election laws. This bill makes it a Class E felony for any person who issues an unsolicited request for an application for an absentee ballot. This bill also makes the qualifying deadline for mail-in voter registration the 29th day before an election. Finally, this bill removes the requirement that information concerning the applicant's height, color of eyes and hair be provided on the application. HB 2664, by Rep. U. Jones requires that the placement of a state constitutional amendment question be placed *before* the list of candidates for Governor rather than being placed after the list of candidates on the ballot.

State Government Subcommittee did not meet this week.

Transportation

Greg E. Adkins

The full **Transportation Committee** met on Wednesday, February 20, 2002 and considered five bills. The committee also listened to a presentation from "Historic Watertown" about the economic impact of rail service on the community. The following two bills are sign bills:

1. **HB 2420** by Rep. Shepard passed to FW&M--"Kenneth N. 'Pete' Springer" highway sign.
2. **HB 2422** by Rep. Shepard passed to FW&M--"Edward Franklin Burnett Memorial Bridge" sign.

HB 2261 by Rep. Newton passed to C&R. The bill cleans up language in the TCA dealing with railroad crossings requiring that "any" entity creating a new railroad crossing be permitted by TDOT. **HB 2122** by Rep. Johnson was

rolled one week. The bill authorizes the issuance of "Ruritan National" specialty earmarked license plates. **HB 2615** by Rep. Rowland passed to C&R. The bill cleans up the intent that veterans only have to pay an eight-dollar production fee for veterans' license plates when a new plate is designed and not during every registration year.

The **Public Transportation & Highways Subcommittee** met on Tuesday, February 19, 2002 and considered six bills. The following five highway sign bills passed to the full Transportation committee:

1. **HB 2344** by Rep. McDonald--"Thomas Anthony Utley Memorial Bridge" sign in Sumner County.
2. **HB 2059** by Rep. Maddox--"Jimmy Breeden Memorial Bridge" sign in Carroll County.
3. **HB 2060** by Rep. Maddox--"Dennis Brooks, Jr. Memorial Bridge" sign in Carroll County.
4. **HB 2377** by Rep. Winningham--"James U.L. Scott Memorial Bridge" sign in Jackson County; the amended bill includes local funding.
5. **HB 2257** by Rep. Bowers--"Isaac W. Northern, Jr. Bridge" sign in Shelby County.

HB 2632 by Rep. M. Turner passed to full committee as amended. The bill shortened the time from 30 days to 10 days for a vehicle to be considered an abandoned vehicle, if it is left unattended.

The **Transportation and Safety Planning** subcommittee met on Wednesday, February 20, 2002 and considered seven bills. **HB 2106** by Rep. Ferguson was rolled four weeks. **HB 1985** by Rep. Bittle passed to full committee. The amended bill authorizes the Department of Safety to transfer information contained on Tennessee driver license applications to the federal selective service system. The program would not be initiated until the department had the computer capability to administer the program. **HB 2693** by Rep. Head was rolled one week. The bill increases the height limit for transporting manufactured homes. The bill also increases the special permit period from six days to twelve months for the movement of manufactured homes. **HB 2188** by Rep. Windle was taken off notice. The bill would allow the Commissioner of the Department of Safety to issue a certificate of self-insurance to recognized religious sects, if the members of that sect or division had twenty five automobiles or more. **HB 3009** by Rep. Ridgeway passed to full committee. The bill would authorize a closed circuit video monitor to be used to assist a person when backing up in all automobiles. The current law only allows trucks and motor homes. **HB 2509** by Rep. Briley passed to full committee. It's a clean-up bill that puts a \$500 cap on speed limit fines while construction workers are present. **HB 2656** by Rep

Winningham was rolled one week. The bill authorizes a new specialty earmarked license plate for the "Friends of Big South Fork National River and Recreation Area."

*For Additional Information Or Copies Contact
The House Research Division At 741-3025.*